

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 12 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

APR 24 2008

FILED
CLERK'S OFFICE

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

8:08cv147

MDL No. 1938

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
08 MAY 15 PM 1:23
OFFICE OF THE CLERK

FOR THE PANEL:


Jeffrey M. Luthi
Clerk of the Panel

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
ALABAMA NORTHERN ALN 1 08-279 ALN 2 08-134	Thomas L. Sizemore v. Merck & Co., Inc., et al. Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
ARKANSAS EASTERN ARE 4 08-86 ARE 5 08-42	John H. Stanley, Jr. v. Merck & Co., Inc., et al. Juanita Sloan v. Merck & Co., Inc., et al.
ARIZONA AZ 2 08-360	Robert S. Levin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
CALIFORNIA CENTRAL CAC 2 08-1038 CAC 2 08-1499	Glenda Morgan v. Merck & Co., Inc., et al. Ronald Dossey v. Merck & Co., Inc., et al.
CALIFORNIA EASTERN CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
CALIFORNIA NORTHERN CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
DELAWARE DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
FLORIDA MIDDLE FLM 6 08-153 FLM 6 08-178	Alma Hooks, et al. v. Merck & Co., Inc., et al. Stephen Greenwell v. Merck & Co., Inc., et al.
FLORIDA NORTHERN FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
GEORGIA NORTHERN GAN 1 08-309 GAN 1 08-417	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al. Gregory Flynn v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
IOWA NORTHERN IAN 2 08-1007	Donald Pierce, et al. v. Merck & Co., Inc., et al.
IOWA SOUTHERN IAS 1 08-13 IAS 4 08-81	James A. Pratt v. Merck & Co., Inc., et al. Donna Greenley v. Merck & Co., Inc., et al.
ILLINOIS SOUTHERN ILS 3 08-67 ILS 3 08-163 ILS 3 08-191	Christina Robin Wallace, et al. v. Merck & Co., Inc., et al. Mary Trebilcock v. Merck & Co., Inc., et al. Jerry Kee, et al. v. Merck & Co., Inc., et al.
INDIANA SOUTHERN INS 1 08-210 INS 1 08-335 INS 1 08-470	June Wilkins v. Merck & Co., Inc., et al. Rick Lane v. Merck & Co., Inc., et al. Edna Appel v. Merck & Co., Inc., et al.
KANSAS KS 2 08-2163	Lois Roberta Bowers v. Merck & Co., Inc., et al.
LOUISIANA EASTERN LAE 2 08-784 LAE 2 08-1235	Kelly Fontana, et al. v. Merck & Co., Inc., et al. Louisiana Health Service & Indemnity Co., etc. v. Merck & Co., Inc., et al.
MASSACHUSETTS MA 1 08-10109	Edward Arasimowicz v. Merck & Co., Inc., et al.
MARYLAND MD 1 08-860	Mitchell Peiser v. Merck & Co., Inc., et al.
MAINE ME 2 08-58	Barry Zimmerman v. Merck & Co., Inc., et al.
MINNESOTA MN 0 08-220	Daniel L. Tollefson, Sr. v. Merck & Co., Inc., et al.
MISSOURI EASTERN MOE 4 08-123 MOE 4 08-295 MOE 4 08-308 MOE 4 08-315	Chong Badgley v. Merck & Co., Inc., et al. William G. Krejci v. Merck & Co., Inc., et al. Robert L. Scheu v. Merck & Co., Inc., et al. Timothy J. Leyes, Sr. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSOURI WESTERN	
MOW 2 08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4 08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4 08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4 08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4 08-187	Wei Chan v. Merck & Co., Inc., et al.
MOW 6 08-3119	John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
MISSISSIPPI SOUTHERN	
MSS 2 08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5 08-10	Roy Davis v. Merck & Co., Inc., et al.
MONTANA	
MT 6 08-18	Janet Lamping v. Merck & Co., Inc., et al.
NORTH CAROLINA WESTERN	
NCW 3 08-66	Susan Bodnar v. Merck & Co., Inc., et al.
NEBRASKA	
NE 8 08-147	Robert Stanley v. Merck & Co., Inc., et al.
NEW MEXICO	
NM 6 08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
NEVADA	
NV 3 08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
NEW YORK EASTERN	
NYE 2 08-344	Andrew Schwaeber v. Merck & Co., Inc., et al.
OKLAHOMA EASTERN	
OKE 6 08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
PUERTO RICO	
PR 3 08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
SOUTH CAROLINA	
SC 0 08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3 08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.
TENNESSEE EASTERN	
TNE 1 08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**DIST. DIV. C.A. #****CASE CAPTION****TENNESSEE WESTERN**

TNW 1 08-1043

Gary Lackey v. Merck & Co., Inc., et al.

TEXAS EASTERN

TXE 9 08-19

Robert S. Love v. Merck & C., Inc., et al.

TEXAS SOUTHERN

TXS 2 08-34

Roberto DeLeon v. Schering-Plough Corp., et al.

TXS 3 08-84

James J. Janik v. Merck & Co., Inc., et al.

WEST VIRGINIA SOUTHERN

WVS 3 08-162

Virginia Miller, et al. v. Merck & Co., Inc., et al.

WVS 3 08-195

Debra Lynn Lewis, et al. v. Schering-Plough Pharmaceuticals, Inc.,
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**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
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MDL No. 1938

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401 West Central Boulevard
Suite 3650
Orlando, FL 32801

Hon. John Richard Smoak, Jr.
U.S. District Judge
210 Gulf Coast Building
30 West Government Street
Panama City, FL 32401

Hon. Jose E. Martinez
U.S. District Judge
Federal Courthouse Square
Third Floor
301 North Miami Avenue
Miami, FL 33128

MDL No. 1938 - Involved Judges List (CTO-1) (Continued)

Hon. Julie E. Carnes
U.S. District Judge
2167 Richard B. Russell Federal Building
& U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303-3361

Hon. Beverly B. Martin
U.S. District Judge
Richard B. Russell Federal Building & US Courthouse
23rd Floor
75 Spring Street, SW
Atlanta, GA 30303

Hon. Edward J. McManus
Senior U.S. District Judge
Federal Building & U.S. Courthouse
101 First Street, S.E., Room 329
Cedar Rapids, IA 52401

Hon. Charles R. Wolle
Senior U.S. District Judge
110 E. Court, Room 403
Des Moines, IA 50309

Hon. Ronald E. Longstaff
Senior U.S. District Judge
115 U.S. Courthouse
123 East Walnut Street
Des Moines, IA 50309

Hon. J. Phil Gilbert
U.S. District Judge
U.S. Courthouse
301 West Main Street
Benton, IL 62812-1362

Hon. Michael J. Reagan
U.S. District Judge
200 Melvin Price Federal Building & US Courthouse
750 Missouri Avenue
E. St. Louis, IL 62201

Hon. Sarah Evans Barker
U.S. District Judge
210 Birch Bayh Federal Building & U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Hon. David F. Hamilton
Chief Judge, U.S. District Court
330 Birch Bayh Federal Building & U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Hon. Richard L. Young
U.S. District Judge
310 Federal Building
101 N.W. Martin Luther King Boulevard
Evansville, IN 47708

Hon. Kathryn H. Vratil
Chief Judge, U.S. District Court
511 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, KS 66101-2400

Hon. Eldon E. Fallon
U.S. District Judge
C-456 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130

Hon. Mary Ann Vial Lemmon
U.S. District Judge
C-406 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130

Hon. Reginald C. Lindsay
U.S. District Judge
5130 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210

Hon. Benson Everett Legg
Chief Judge, U.S. District Court
7A Edward A. Garmatz Federal Building
& U.S. Courthouse
101 West Lombard Street
Baltimore, MD 21201-2605

Hon. D. Brock Hornby
U.S. District Judge
Edward T. Gignoux Federal Courthouse
156 Federal Street, 2nd Floor
Portland, ME 04101-4152

MDL No. 1938 - Involved Judges List (CTO-1) (Continued)

Hon. Joan N. Ericksen
U.S. District Judge
12W U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Hon. Jean C. Hamilton
U.S. District Judge
16N Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., 16th Floor
St. Louis, MO 63102-1116

Hon. Catherine D. Perry
U.S. District Judge
14S Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102-1116

Hon. Charles A. Shaw
U.S. District Judge
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, 12th Floor
St. Louis, MO 63102-9958

Hon. Nanette K. Laughrey
U.S. District Judge
307 United States Courthouse
131 West High Street
Jefferson City, MO 65101-1557

Hon. Gary A. Fenner
U.S. District Judge
8452 Charles E. Whittaker U.S. Courthouse
400 East 9th Street
Kansas City, MO 64106

Hon. Ortrie D. Smith
U.S. District Judge
7652 Charles E. Whittaker U.S. Courthouse
400 East Ninth Street
Kansas City, MO 64106

Hon. Dean Whipple
Senior U.S. District Judge
Charles Evans Whittaker U.S. Courthouse, 8th Floor
400 East Ninth Street
Kansas City, MO 64106

Hon. Scott O. Wright
Senior U.S. District Judge
8662 Charles Evans Whittaker U.S. Courthouse
400 East Ninth Street, 8th Floor
Kansas City, MO 64106

~~Hon. Richard E. Dorr
U.S. District Judge
United States District Court
222 North John Q. Hammons Parkway
Suite 3100
Springfield, MO 65806~~

Hon. Keith Starrett
U.S. District Judge
U.S. District Court
228 U.S. Courthouse Federal Building
701 N. Main Street
Hattiesburg, MS 39401

Hon. Keith Starrett
U.S. District Judge
U.S. District Court
228 U.S. Courthouse Federal Building
701 N. Main Street
Hattiesburg, MS 39401

Hon. Charles C. Lovell
Senior U.S. District Judge
Paul G. Hatfield U.S. Courthouse
901 Front Street, Suite 3100
Helena, MT 59626-9708

Hon. Frank D. Whitney
U.S. District Judge
United States District Court
195 Charles R. Jonas Federal Building
401 West Trade Street
Charlotte, NC 28202

Hon. Lyle E. Strom
Senior U.S. District Judge
3190 Roman L. Hruska U.S. Courthouse
111 South 18th Plaza
Omaha, NE 68102

MDL No. 1938 - Involved Judges List (CTO-1) (Continued)

Hon. Martha Vazquez
Chief Judge, U.S. District Court
Santiago E. Campos U.S. Courthouse
106 South Federal Place, 2nd Floor
Santa Fe, NM 87501

Hon. James D. Todd
U.S. District Judge
444 U.S. Courthouse
111 South Highland Avenue
Jackson, TN 38301

Hon. Larry R. Hicks
U.S. District Judge
804 Bruce R. Thompson U.S. Courthouse
400 South Virginia Street
Reno, NV 89501

Hon. Ron Clark
U.S. District Judge
221 Jack Brooks Federal Building & US Courthouse
300 Willow Street
Tyler, TX 77701

Hon. Arthur D. Spatt
Senior U.S. District Judge
United States District Court
P.O. Box 9014
Central Islip, NY 11722-9014

Hon. Hayden W. Head, Jr
Chief Judge, U.S. District Court
1133 North Shoreline Boulevard
Suite 308
Corpus Christi, TX 78401

Hon. Ronald A. White
U.S. District Judge
United States District Court
P.O. Box 1009
Muskogee, OK 74402

Hon. Keith P. Ellison
U.S. District Judge
United States District Court
Bob Casey United States Courthouse
515 Rusk Avenue
Houston, TX 77002-2600

Hon. Aida M. Delgado-Colon
U.S. District Judge
U.S. District Court
H-111 Clemente Ruiz Nazario Courthouse
150 Carlos Chardon Avenue
San Juan, PR 00918

Hon. Robert C. Chambers
U.S. District Judge
P.O. Box 1570
Huntington, WV 25716-1570

Hon. Cameron McGowan Currie
U.S. District Judge
Matthew J. Perry, Jr. U.S. Courthouse
901 Richland Street
Columbia, SC 29201

Hon. Harry S. Mattice
U.S. District Judge
104 Joel W. Solomon Federal Building & US
Courthouse
900 Georgia Avenue
Chattanooga, TN 37402

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

INVOLVED CLERKS LIST (CTO-1)

Debra P. Hackett, Clerk
U.S. District Court
P.O. Box 711
Montgomery, AL 36101-0711

Perry D. Mathis, Clerk
140 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Perry D. Mathis, Clerk
140 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

James W. McCormack, Clerk
402 U.S. Courthouse
600 West Capitol Avenue
Little Rock, AR 72201-3325

James W. McCormack, Clerk
U.S. District Court
P.O. Box 8307
Pine Bluff, AR 71611-8307

~~Richard H. Weare, Clerk
130 Sandra Day O'Connor U.S. Courthouse, SPC 1
401 West Washington Street
Phoenix, AZ 85003-2118~~

Sherri R. Carter, Clerk
G-8 U.S. Courthouse
312 North Spring Street
Los Angeles, CA 90012

Jack L. Wagner, Clerk
4-200 U.S. Courthouse
501 I Street
Sacramento, CA 95814-2322

Richard W. Wieking, Clerk
400-S Ronald V. Dellums Federal Building
1301 Clay Street
Oakland, CA 94612-5212

Peter T. Dalleo, Clerk
J. Caleb Boggs Federal Building
Lockbox 18
844 North King Street
Wilmington, DE 19801-3570

Sheryl L. Loesch, Clerk
300 George C. Young U.S. Courthouse
80 North Hughey Avenue
Orlando, FL 32801

William M. McCool, Clerk
226 U.S. Courthouse
One North Palafox Street
Pensacola, FL 32501-5625

Steven Larimore, Clerk
Federal Courthouse Square
301 North Miami Avenue
Miami, FL 33128-7788

James N. Hatten, Clerk
2217 Richard B. Russell Federal Building
& U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303-3309

Robert L. Phelps, Clerk
101 First Street SE
Cedar Rapids, IA 52401

Marge Krahn, Clerk
P.O. Box 307
Council Bluffs, IA 51502

Marge Krahn, Clerk
P.O. Box 9344
Des Moines, IA 50306-9344

Norbert G. Jaworski, Clerk
U.S. District Court
P.O. Box 249
E. St. Louis, IL 62202

MDL No. 1938 - Involved Clerks List (CTO-1) (Continued)

Laura A. Briggs, Clerk
105 Birch Bayh Federal Building & US Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Ingrid A. Campbell, Acting Clerk
259 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, KS 66101-2430

Loretta G. Whyte, Clerk
U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Sarah Thornton, Clerk
Clerk's Office - Attn: Sherry Jones
U.S. District Court
595 Main Street
Worcester, MA 01608

Felicia C. Cannon, Clerk
Edward A. Garmatz Federal Building & US Courthouse
101 W. Lombard Street
Baltimore, MD 21201-2690

Linda L. Jacobson, Clerk
Edward T. Gignoux U.S. Courthouse
156 Federal Street
Portland, ME 04101

Richard Sletten, Clerk
202 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

James G. Woodward, Clerk
3300 Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street
St. Louis, MO 63102-1116

Patricia L. Brune, Clerk
310 U.S. Courthouse
131 West High Street
Jefferson City, MO 65102

Patricia L. Brune, Clerk
2710 Charles Evans Whittaker U.S. Courthouse
400 E. Ninth Street
Kansas City, MO 64106

~~Patricia L. Brune, Clerk
1400 U.S. Courthouse
222 N. John Q. Hammons Parkway
Springfield, MO 65806~~

J.T. Noblin, Clerk
200 U.S. Courthouse & Federal Building
701 North Main Street
Hattiesburg, MS 39401

J.T. Noblin, Clerk
316 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

Patrick E. Duffy, Clerk
901 Front Street
Suite 2100
Helena, MT 59626

Frank G. Johns, Clerk
210 Charles R. Jonas Federal Building
401 West Trade Street
Charlotte, NC 28202

Denise Lucks, Clerk
1152 Roman L. Hruska U.S. Courthouse
111 South 18th Plaza
Omaha, NE 68102-1322

Robert M. March, Clerk
U.S. District Court
P.O. Box 2384
Santa Fe, NM 87504-2384

Lance S. Wilson, Clerk
Bruce R. Thompson U.S. Courthouse
& Federal Building, Suite 301
400 South Virginia Street
Reno, NV 89501

MDL No. 1938 - Involved Clerks List (CTO-1) (Continued)

Robert C. Heinemann, Clerk
Long Island Federal Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

William B. Guthrie, Clerk
P.O. Box 607
Muskogee, OK 74402-0607

Frances Rios de Moran, Clerk
150 Federico Degetau Federal Building
150 Carlos Chardon Avenue
Hato Rey, PR 00918-1767

Larry W. Propes, Clerk
Matthew J. Perry, Jr. U.S. Courthouse
901 Richland Street
Columbia, SC 29201-2328

Larry W. Propes, Clerk
Matthew J. Perry, Jr. U.S. Courthouse
901 Richland Street
Columbia, SC 29201-2328

Patricia L. McNutt, Clerk
U.S. District Court
P.O. Box 591
Chattanooga, TN 37401-0591

Thomas M. Gould, Clerk
262 U.S. Courthouse
111 South Highland Avenue
Jackson, TN 38301

David J. Maland, Clerk
Federal Courthouse
104 N. 3rd St.
Lufkin, TX 75901

Michael N. Milby, Clerk
U.S. Courthouse
1133 North Shoreline Boulevard
Corpus Christi, TX 78401

Michael N. Milby, Clerk
P.O. Box 2300
Galveston, TX 77553-2300

Teresa Deppner, Clerk
U.S. District Court
P.O. Box 1570
Huntington, WV 25716-1570